

James M. Finberg (SBN 114850)
Eve H. Cervantez (SBN 164709)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

Kelly M. Dermody (SBN 171716)
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Attorneys for Plaintiffs and Class Counsel
[additional counsel on signature page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI
BOYKIN, VALERIE BROWN, RICK
GONZALES, CYNTHIA GUERRERO,
RACHEL HUTCHINS, TYRONE
MERRITT, KELVIN SMITH, SR., and
KEN STEVENSON, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware
corporation,

Defendant.

Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

STIPULATION AND [PROPOSED] ORDER
RE: PAYMENTS TO CLASS MEMBERS

1 WHEREAS, the deadline for claims forms under the Consent Decree required that claims
2 forms be mailed to the Claims Administrator postmarked no later than August 1, 2007;

3 WHEREAS, based on claims forms received as of October 1, 2007, including several late
4 claims forms permitted by prior stipulation of the parties and Order of this Court, the Claims
5 Administrator calculated the amount owing to each class member pursuant to the Plan of
6 Allocation and mailed out checks to 12,053 class members on December 5, 2007;

7
8 WHEREAS, by stipulation of the parties, and an April 1, 2008 Order of this Court, the
9 Claims Administrator mailed out checks totaling approximately \$36,068.72 to nine additional
10 Class Members;

11 WHEREAS, it appears to the parties that the following 14 Class Members submitted
12 timely claims forms but did not receive settlement checks because the checks were sent to an
13 outdated address by the Claims Administrator: Latrice Anderson, Deborah Stanfield, Hector
14 Lizarraga, Sylvia Fowler, Mahasse Cornelius, Azuncena Perez, Noel Richardson, Shameika
15 Newmann, Jillbetta Goff, Eugene Sedillo, Candace Culpepper, Willeeda Haynes, Andre
16 Williams, and Omar Franklin;

17
18 WHEREAS, the total amount of the claims for Latrice Anderson, Deborah Stanfield,
19 Hector Lizarraga, Sylvia Fowler, Mahasse Cornileus, Azuncena Perez, Noel Richardson,
20 Shameika Newmann, Jillbetta Goff, Eugene Sedillo, Candace Culpepper, Willeeda Haynes,
21 Andre Williams, and Omar Franklin is \$8,987.44;

22
23 WHEREAS, it appears to the parties that the following class member submitted an
24 untimely claims form that was untimely through no fault of his own:

25 Brock Florez was serving overseas in the army until the spring of 2008 and therefore did
26 not receive the Notice and Claim Form until after the Claims Form filing deadline. The value of
27 his claim is approximately \$2,300.
28

1 WHEREAS, there is approximately \$6,071.96 remaining in the QSF from checks issued
2 that have not been cashed, despite diligent efforts to locate those claimants;

3 WHEREAS, Class Counsel believe it is appropriate to take approximately \$5,215.48 from
4 the fund set aside to pay Class Counsel for monitoring the Decree in order to pay all of these 14
5 Claimants and Mr. Flores.

6 THEREFORE, the parties hereby stipulate and agree as follows:

7
8 1. The Claims Administrator shall pay Latrice Anderson, Deborah Stanfield, Hector
9 Lizarraga, Sylvia Fowler, Mahasse Cornelius, Azuncena Perez, Noel Richardson,
10 Sheimeka Newmann, Jillbetta Goff, Eugene Sedillo, Candace Culpepper, Willeeda
11 Haynes, Andre Williams, Omar Franklin, and Brock Florez from funds remaining from
12 uncashed checks in the Settlement Fund Account in accordance with the Plan of
13 Allocation and to the extent necessary, from funds set aside for the Monitoring Counsel in
14 accordance with Section XXIII.C of the Consent Decree.

15 2. No additional late claims will be accepted.

16 Dated: May 23, 2008

17 ALTSHULER BERZON LLP

18 By: /s/ James M. Finberg
19 James M. Finberg

20 *Attorneys for Plaintiffs and Class Counsel*

21 James M. Finberg (SBN 114850)
22 Eve H. Cervantez (SBN 164709)
23 ALTSHULER BERZON LLP
24 177 Post Street, Suite 300
25 San Francisco, California 94108
26 Telephone: (415) 421-7151
27 Facsimile: (415) 362-8064

28 Kelly M. Dermody (SBN 171716)
LIEFF, CABRASER, HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 30th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Todd M. Schneider (SBN 158253)
Guy B. Wallace (SBN 176151)
Joshua Konecky (SBN 182897)
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, CA 94104
Telephone: (415) 421-7100
Facsimile: (415) 421-7105

JOHN BURRIS (SBN 69888)
7677 Oakport Bldg., Suite 1120
Oakland, CA 94612
Telephone: (510) 839-5210
Facsimile: (510) 839-3882

MICHAEL S. DAVIS (SBN 160045)
345 Hill Street
San Francisco, CA 94109
Telephone: (415) 282-4315
Facsimile: (415) 358-5576

KAY MCKENZIE PARKER (SBN 143140)
225 Bush Street, 16th Floor
San Francisco, CA 94104
Telephone: (415) 227-9622
Facsimile: (415) 227-4522

WAUKEEN Q. MCCOY (SBN 168228)
703 Market Street, Suite 1407
San Francisco, CA 94103
Telephone: (415) 675-7705
Facsimile: (415) 675-2530

//

//

//

//

//

//

//

//

//

//

1
2 Dated: May 23, 2008

3 By: /s/ Frederick Douglas
4 Frederick Douglas

5 *Attorneys for Defendant*

6 Frederick Douglas
7 (Admitted Pro Hac Vice)
8 FEDERAL EXPRESS CORPORATION
9 3620 Hacks Cross Road
10 Building B, 3rd Floor
11 Memphis, TN 38125
12 Telephone: (901) 434-8519
13 Facsimile: (901) 434-9271

14 **ORDER**

15 The forgoing stipulation is approved, and IT IS SO ORDERED.

16 Dated: _____

17 

18 _____
19 The Hon. Susan Illston
20 United States District Judge
21
22
23
24
25
26
27
28